IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

NAGPUR BENCH, NAGPUR

Writ Petition No.4331 of 2003

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the year 1923 which is copy of the document pertaining to Birth and Death register, wherein the caste of the grandfather of the petitioner is shown as “Halbi”.

The learned Senior Counsel, therefore, contended that, in the circumstances, the matter may be remanded back to the Caste Scrutiny Committee and opportunity may be given to the petitioner to place the said document before the Caste Scrutiny Committee for re-consideration and direction be given to the Committee to decide the same by giving reasonable opportunity of hearing to the petitioner.

Mr. Puranik, learned counsel for the Caste Scrutiny Committee, on the other hand, supported the impugned order and contended that, in spite of opportunity given to the petitioner, the petitioner has failed to avail the same and therefore, cannot canvass the grievance that the order is violative of principles of natural justice. It is further contended that the document which is collected by the petitioner is after the order passed by the Caste Scrutiny Committee.

We have considered the contentions canvassed by the respective counsel. In the backdrop of the above referred facts and in the interest of justice, in our view, it will be appropriate for the Caste Scrutiny Committee to re-consider the caste claim of the petitioner in the light of the document which is now collected by the petitioner and after giving reasonable opportunity of hearing, decide the same according to law and on its own merits.

The petitioner is at liberty to file the document which is placed before us as well as the other documents in support of his claim before the Caste Scrutiny Committee. The Committee is directed to consider the same in view of the report of the Police Vigilance Cell and decide the same on its own merits, according to law within a period of six weeks from the date of receipt of this order.

It is brought to the notice of this Court that the matter was referred to the Forensic Department for obtaining opinion of the Department in respect of certain documents and therefore, the record is remitted back to the Caste Scrutiny Committee, it should also take into consideration this aspect of the matter while concluding the issue in question, as per our directions.

Since there is some negligence on the part of the petitioner in not appearing before the Committee on the dates of hearing, we impose costs of Rs. 5,000/- on the petitioner to be paid to the Caste Scrutiny Committee within a period of two weeks.

In the circumstances, the impugned order is quashed and set aside. The matter is remanded back to the Caste Scrutiny Committee for re-consideration of the issue in question within the stipulated period and as directed by us.

JUDGE JUDGE

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